

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 102

## **SENATE BILL 1159**

AN ACT

AMENDING SECTIONS 32-501 AND 32-506, ARIZONA REVISED STATUTES; RELATING TO  
COSMETOLOGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-501, Arizona Revised Statutes, is amended to  
3 read:

4 32-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Aesthetician" means a person who is licensed to practice skin care  
7 pursuant to this chapter.

8 2. "Aesthetics" means any one or a combination of the following  
9 practices if they are performed for cosmetic purposes:

10 (a) Massaging, cleansing, stimulating, manipulating, exercising,  
11 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
12 preparations, either by hand or by mechanical or electrical appliances.

13 (b) Arching eyebrows or tinting eyebrows and eyelashes.

14 (c) Removing superfluous hair by means other than electrolysis.

15 3. "Board" means the board of cosmetology.

16 4. "Cosmetic purposes" means for the purpose of beautifying,  
17 preserving or conferring comeliness, excluding therapeutic massage and  
18 manipulations.

19 5. "Cosmetologist" means a person licensed to practice cosmetology  
20 pursuant to this chapter.

21 6. "Cosmetology" means any one or a combination of the following  
22 practices if they are performed for cosmetic purposes:

23 (a) Cutting, clipping or trimming hair.

24 (b) Massaging, cleansing, stimulating, manipulating, exercising,  
25 beautifying or applying oils, creams, antiseptics, clays, lotions or other  
26 preparations, either by hand or by mechanical or electrical appliances.

27 (c) Styling, arranging, dressing, curling, waving, permanent waving,  
28 straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or  
29 similarly treating hair.

30 (d) Arching eyebrows or tinting eyebrows and eyelashes.

31 (e) Removing superfluous hair by means other than electrolysis.

32 (f) Nail technology.

33 7. "Instructor" means a person licensed to teach cosmetology,  
34 aesthetics or nail technology, or any combination thereof, pursuant to this  
35 chapter.

36 8. "Nail technician" means a person licensed to practice nail  
37 technology pursuant to this chapter.

38 9. "Nail technology" means:

39 (a) Cutting, trimming, polishing, coloring, tinting, cleansing or  
40 otherwise treating a person's nails.

41 (b) Applying artificial nails.

1 (c) Massaging and cleaning a person's hands, arms, legs and feet.

2 10. "Salon" means ANY OF THE FOLLOWING:

3 (a) An establishment operated for the purpose of engaging in the  
4 practice of cosmetology, aesthetics or nail technology, or any combination  
5 of the listed practices. ~~and any~~

6 (b) AN ESTABLISHMENT TOGETHER WITH A RETROFITTED motor vehicle  
7 ~~retrofitted~~ for exclusive use as a mobile facility for ~~such practice~~ THE  
8 PURPOSE OF ENGAGING IN THE PRACTICE OF COSMETOLOGY, AESTHETICS OR NAIL  
9 TECHNOLOGY, OR ANY COMBINATION OF THE LISTED PRACTICES THAT ~~which~~ is operated  
10 and dispatched through the establishment.

11 (c) A RETROFITTED MOTOR VEHICLE EXCLUSIVELY USED AS A MOBILE FACILITY  
12 FOR THE PURPOSE OF ENGAGING IN THE PRACTICE OF COSMETOLOGY, AESTHETICS OR  
13 NAIL TECHNOLOGY, OR ANY COMBINATION OF THE LISTED PRACTICES THAT IS OPERATED  
14 AND DISPATCHED FROM A BUSINESS THAT HAS A PHYSICAL STREET ADDRESS THAT IS ON  
15 FILE WITH THE BOARD.

16 11. "School" means an establishment operated for the purpose of  
17 teaching cosmetology, aesthetics or nail technology, or any combination of  
18 the listed practices.

19 Sec. 2. Section 32-506, Arizona Revised Statutes, is amended to read:

20 32-506. Nonapplicability of chapter

21 This chapter does not apply to the following persons while in the  
22 proper discharge of their professional duties:

23 1. Practices done for the treatment of physical or mental ailments or  
24 disease by medical practitioners licensed pursuant to this title.

25 2. Commissioned physicians and surgeons serving in the armed forces  
26 of the United States or other federal agencies.

27 3. Persons licensed pursuant to chapter 3 or 12 of this title.

28 4. Students attending schools licensed pursuant to this chapter while  
29 they are on school premises during school hours.

30 5. Persons employed by theatrical groups who apply makeup, oils and  
31 cosmetics.

32 6. Persons who sell makeup oils and cosmetics and who apply such  
33 products during the process of selling such products.

34 7. Shampoo assistants who shampoo hair under the direction of a  
35 cosmetologist licensed pursuant to this chapter.

36 8. Services performed by and for persons in the custody of the state  
37 department of corrections.

38 9. Persons who apply makeup, oils and cosmetics to patients in a  
39 hospital, nursing home or supervisory care home with the consent of the  
40 patient and the hospital, nursing home or supervisory care home.

1        10. PERSONS WHO PROVIDE A SERVICE THAT RESULTS IN TENSION ON HAIR  
2 STRANDS OR ROOTS BY TWISTING, WRAPPING, WEAVING, EXTENDING, LOCKING OR  
3 BRAIDING, IF THE SERVICE DOES NOT INCLUDE THE APPLICATION OF DYES, REACTIVE  
4 CHEMICALS OR OTHER PREPARATIONS TO ALTER THE COLOR OF THE HAIR OR TO  
5 STRAIGHTEN, CURL OR ALTER THE STRUCTURE OF THE HAIR.

6        Sec. 3. Emergency

7        This act is an emergency measure that is necessary to preserve the  
8 public peace, health or safety and is operative immediately as provided by  
9 law.

EMERGENCY  
NOT ENACTED

APPROVED BY THE GOVERNOR APRIL 16, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2004.